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ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

NORFOLK SOUTHERN RAILWAY COMPANY,)

Petitioner,)

vs.)

Docket No.T04-0017

ILLINOIS DEPARTMENT OF TRANSPORTATION)
BLUE RIDGE TOWNSHIP; SANTA ANNA TOWNSHIP;))
THE CITY OF LE ROY; EMPIRE ROAD DISTRICT;)
VILLAGE OF DOWNS; DOWNS ROAD DISTRICT;)
OLD TOWN ROAD DISTRICT; CITY OF MANSFIELD;))
CITY OF FARMER CITY; BLOOMINGTON ROAD)
DISTRICT; CITY OF BLOOMINGTON AND MCLEAN)
COUNTY)

Respondents,)

Petition to permit the removal of certain existing warning)
devices and circuitry; and for the installation of "exempt")
and other signage at certain at grade crossings in Piatt)
County, DeWitt County and McLean County, Illinois)

RECEIVED
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Illinois Commerce Commission
RAIL SAFETY SECTION

DIRECT TESTIMONY OF WILLIAM P. HERNAN,
GENERAL SUPERVISOR - COMMUNICATIONS AND SIGNALS OF
NORFOLK SOUTHERN CORPORATION

Q. Please state your name and business address.

A. William P. Hernan, Norfolk Southern Corporation, 1735 E. Condit Street,
Decatur, IL 62521

Q. By whom are you employed and in what capacity?

A. I am currently employed by Norfolk Southern Corporation as General Supervisor
of Communications and Signals.

Q. What are your duties for Norfolk Southern Corporation?

A. As General Supervisor of Communications and Signals for Norfolk Southern

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Corporation, I am responsible for overseeing all communications and signal maintenance on Norfolk Southern's Illinois Division (which extends through western Indiana, Illinois and Missouri).

Q. What is your experience in the railroad industry and with Norfolk Southern Corporation?

A. My experience in the railroad industry totals 27½ years of service; includes prior experience and employment with Conrail, and for the last five years with Norfolk Southern. My work experience and responsibilities have focused primarily in the areas of construction and maintenance, including experience in Pennsylvania, Ohio, New York, Indiana, West Virginia, Missouri and Illinois.

Q. What is the relationship between Norfolk Southern Corporation and Norfolk Southern Railway Company?

A. Both entities are Virginia corporations. Petitioner Norfolk Southern Railway Company is a registered rail carrier in interstate commerce. Petitioner Norfolk Southern Railway Company is a subsidiary of Norfolk Southern Corporation.

Q. Are you familiar with and have you reviewed the Petition filed by Norfolk Southern Railway Company in this Commerce Commission Docket #T04-0017?

A. Yes

Q. Are you familiar with and have you visited the at-grade crossings along the UM Line which are referenced in the Petition and which are the subject matter of this Commerce Commission Docket #T04-0017?

A. Yes

Q. What is the purpose of your direct testimony?

A. The purpose of my direct testimony is to provide the Commission with the necessary information regarding the 39 crossings which are the subject matter of this docket; and to provide the Commission with additional background and information in support of the modifications proposed by and set forth in Norfolk Southern Railway Company's Petition in this case.

Q. Would you describe the line of railroad which is the subject matter of this docket?

A. This line of railroad is owned and operated by Petitioner Norfolk Southern Railway Company in interstate and intrastate commerce. The subject line of

railroad is located between MP UM-47.9 at Mansfield, Piatt County and MP UM-78.3 at or near Bloomington, Champaign County, Illinois; and passes through the Counties of Piatt, DeWitt and McLean. This UM Line is also commonly referred to as the Pekin Secondary Line, and is approximately 30.4 miles in length. Along this UM line there are 39 public highway-rail at-grade crossings.

Q. How long has Norfolk Southern owned and operated the subject UM Line?

A. Norfolk Southern has owned the subject UM Line since acquiring that line from Consolidated Rail Corporation on August 28, 1996.

Q. How many daily train movements are there over the subject UM Line?

A. There have been no train movements over any of the subject crossings for over eight (8) years.

Q. Has Norfolk Southern prepared a document containing a list of each of the crossings which are the subject matter of this proceeding?

A. Yes

Q. Does that document identify each of these crossings by milepost and DOT number?

A. Yes

Q. Is that document attached to and a part of the Petition filed by Norfolk Southern in this case?

A. Yes

Directing your attention to what is referred to in the Petition as Crossing #1 - a public roadway known as TR 122B (1200E)

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 122 B runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 225.

Directing your attention to what is referred to in the Petition as Crossing #2 - a public roadway known as TR 96 (1100E):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 96 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 50.

Directing your attention to what is referred to in the Petition as Crossing #3 - a public roadway known as TR 84 A (1000E):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 84 A runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 100.

Directing your attention to what is referred to in the Petition as Crossing #4 - a public roadway known as TR 80 (900E):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 80 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 25.

Directing your attention to what is referred to in the Petition as Crossing #5 - a public roadway known as TR 64 (800E):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 64 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals, crossbucks and bells; and the average daily motor vehicular traffic over the crossing is 275.

Directing your attention to what is referred to in the Petition as Crossing #6 - a public roadway known as TR 48 A (725E):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Blue Ridge Township. At this location, TR 48 A runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 50.

Directing your attention to what is referred to in the Petition as Crossing #7 - a public roadway known as Indiana Street (IL-54):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this location, Indiana Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals, crossbucks and gates; and the average daily motor vehicular traffic over the crossing is 4,150.

Directing your attention to what is referred to in the Petition as Crossing #8 - a public roadway known as High Street (MUN 3200)

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this location, High Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals and bells; and the average daily motor vehicular traffic over the crossing is 650.

Directing your attention to what is referred to in the Petition as Crossing #9 - a public roadway known as Allen Street (MUN 2900)

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this location, Allen Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 1,350.

Directing your attention to what is referred to in the Petition as Crossing #10 - a public roadway known as John Street (MUN 8000)

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this location, John Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 1,100.

Directing your attention to what is referred to in the Petition as Crossing #11 - a public roadway known as 1500N/Chapel Road (TR 27A):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this

location, 1500N/Chapel Road (TR 27A) runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 10.

Directing your attention to what is referred to in the Petition as Crossing #12 - a public roadway known as County Line Road (TR 5)

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 5, Piatt County, Illinois; and is located within and subject to the jurisdiction of Santa Anna Township and the City of Farmer City. At this location, County Line Road runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 75.

Directing your attention to what is referred to in the Petition as Crossing #13 - a public roadway known as TR 474A

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District. At this location, TR 474A runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 79.

Directing your attention to what is referred to in the Petition as Crossing #14 - a public roadway known as TR 458:

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District. At this location, TR 458 runs in an approximately north/south direction while the NS mainline track runs in an

approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 79.

Directing your attention to what is referred to in the Petition as Crossing #15 - a public roadway known as US 136:

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Illinois Department of Transportation. At this location, US 136 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals and crossbucks; and the average daily motor vehicular traffic over the crossing is 1,200.

Directing your attention to what is referred to in the Petition as Crossing #16 - a public roadway known as TR 450

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District. At this location, TR 450 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 79.

Directing your attention to what is referred to in the Petition as Crossing #17 - a public roadway known as East Street (MUN 6160):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, East Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 109.

Directing your attention to what is referred to in the Petition as Crossing #18 - a public roadway known as Chestnut Street (FAS1478):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Chestnut Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 5,700.

Directing your attention to what is referred to in the Petition as Crossing #19 - a public roadway known as Main Street (MUN6130):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Main Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 409

Directing your attention to what is referred to in the Petition as Crossing #20 - a public roadway known as Cedar Street (SBI 119B):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Cedar Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 229.

Directing your attention to what is referred to in the Petition as Crossing #21 - a public roadway known as West Street (MUN 6100):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, West Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 209.

Directing your attention to what is referred to in the Petition as Crossing #22 - a public roadway known as Pine Street (MUN 1150):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Pine Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 309.

Directing your attention to what is referred to in the Petition as Crossing #23 - a public roadway known as Buck Street (MUN 6080):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Buck Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals and signage; and the average daily motor vehicular traffic over the crossing is 209.

Directing your attention to what is referred to in the Petition as Crossing #24 and 25 - a public roadway known as Center Street (MUN 1140):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Center Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 109.

Directing your attention to what is referred to in the Petition as Crossing #26 - a public roadway known as Hemlock Street (MUN 6050):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District and the City of Le Roy. At this location, Hemlock Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 409.

Directing your attention to what is referred to in the Petition as Crossing #27 - a public roadway known as TR 405:

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?
- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Empire Road District. At this location, TR 405 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 79.

Directing your attention to what is referred to in the Petition as Crossing #28 - a public roadway known as TR 390:

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Downs Road District. At this location, TR 390 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 50.

Directing your attention to what is referred to in the Petition as Crossing #29 - a public roadway known as TR 366A:

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located within and subject to the jurisdiction of the Downs Road District. At this location, TR 366A runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 75.

Directing your attention to what is referred to in the Petition as Crossing #30 - a public roadway known as Seminary Road (FAS 1480 and CH 36):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Village of Downs and McLean County. At this location, Seminary Road runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 3,700.

Directing your attention to what is referred to in the Petition as Crossing #31 - a public roadway known as Main Street (MUN 1120):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Village of Downs and Downs Road District. At this location, Main Street runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals; and the average daily motor vehicular traffic over the crossing is 309.

Directing your attention to what is referred to in the Petition as Crossing #32 - a public roadway known as 2000E:

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Village of Downs and Downs Road District. At this location, 2000E runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 500.

Directing your attention to what is referred to in the Petition as Crossing #33 - a public roadway known as Gillum Road (FAS 1483 and CH 29):

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Old Town Road District and McLean County. At this location, Gillum Road runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by flashing signals and crossbucks; and the average daily motor vehicular traffic over the crossing is 1,650.

Directing your attention to what is referred to in the Petition as Crossing #34 - a public roadway known as TR 429:

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Old Town Road District. At this location, TR 429 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 450.

Directing your attention to what is referred to in the Petition as Crossing #35 - a public roadway known as TR 296

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Bloomington Road District. At this location, TR 296 runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 500.

Directing your attention to what is referred to in the Petition as Crossing #36 - a public roadway known as Old Colonial (FAU 6375 and CH 30)

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Bloomington Road District and McLean County. At this location, Old Colonial runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 350.

Directing your attention to what is referred to in the Petition as Crossing #37 - a public roadway known as TR 367:

- Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

- A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Bloomington Road District. At this location, TR 367 runs in an approximately north/south direction while the NS mainline track runs in an

approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 100.

Directing your attention to what is referred to in the Petition as Crossing #38 - a public roadway known as Woodridge Road (FAU 6428):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Bloomington Road District. At this location, Woodridge Road runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 2,500.

Directing your attention to what is referred to in the Petition as Crossing #39 - a public roadway known as Rhodes Lane (MUN 1001):

Q. Would you describe the location of that crossing; the appropriate governmental body having jurisdiction over that roadway; the type of warning devices at this crossing; and the average daily motor vehicular traffic over the crossing?

A. This crossing is located in Road District 3, McLean County, Illinois; and is located within and subject to the jurisdiction of the Bloomington Road District. At this location, Rhodes Lane runs in an approximately north/south direction while the NS mainline track runs in an approximately east/west direction. This crossing is currently protected by crossbuck signs only; and the average daily motor vehicular traffic over the crossing is 950.

Q. What, if any, request has Petitioner Norfolk Southern made to the U.S. Department of Transportation, Surface Transportation Board (STB) in relation to the subject UM Line?

A. On or about January 22, 2004, Norfolk Southern filed with the STB a Notice of Discontinuance for the discontinuance of rail operations on the subject UM Line. Thereafter, on February 11, 2004, in response to Norfolk Southern's Notice of Discontinuance, the STB issued a Notice of Exemption in relation to the subject UM Line. It should be noted that the STB docket is a discontinuance proceeding, not a petition for abandonment. The STB's Notice of Exemption became effective March 12, 2004. A copy of Norfolk Southern's Notice and a copy of the STB's Notice of Exemption are attached to the Petition filed in this case.

- Q. With respect to those crossings on the subject UM Line currently protected by active warning devices, what authority is Norfolk Southern seeking from the Commission?
- A. At those crossings, Norfolk Southern is seeking Commerce Commission approval and authority to remove all active warning devices and all related circuitry along the subject UM Line.
- Q. What other Commerce Commission approval and authority is Norfolk Southern seeking in this Petition?
- A. In this Petition, Norfolk Southern is also requesting that the Commission enter an Order designating as "exempt", in accordance with Section 11-1202(b)(4) of the Illinois Vehicle Code, each of the subject 39 crossings on the UM Line. Further, Norfolk Southern is requesting that the Commission enter an Order directing Norfolk Southern to install and maintain "exempt" signs and "out of service" signs at each of the subject 39 crossings on the UM Line.
- Q. Would you briefly describe the signage proposed to be installed by Norfolk Southern?
- A. At those crossings which are currently protected by active warning devices, Norfolk Southern will install a sign post, and mount on each such post both an "exempt" sign and an "out of service" sign. That signage will be installed and maintained on both sides of each such crossing. At those crossings which are currently protected by crossbuck signs only, Norfolk Southern will mount on that existing crossbuck sign post both an "exempt" sign and an "out of service" sign. Again, this signage will be installed and maintained on both sides of the crossing.
- Q. Who will bear the expense of these proposed modifications, sign installation and maintenance?
- A. All costs and expenses related to these modifications, sign installation and maintenance will be borne by Norfolk Southern.
- Q. How much time is Norfolk Southern requesting it be granted to complete the modifications and signage installation described in this Petition?
- A. One year from the date of the Commission's Order granting this Petition.
- Q. Does this complete your testimony?
- A. Yes

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

NORFOLK SOUTHERN RAILWAY COMPANY,

Petitioner,

vs.

Docket No.T04-0017

ILLINOIS DEPARTMENT OF TRANSPORTATION
BLUE RIDGE TOWNSHIP; SANTA ANNA TOWNSHIP;
THE CITY OF LE ROY; EMPIRE ROAD DISTRICT;
VILLAGE OF DOWNS; DOWNS ROAD DISTRICT;
OLD TOWN ROAD DISTRICT; CITY OF MANSFIELD;
CITY OF FARMER CITY; BLOOMINGTON ROAD
DISTRICT; CITY OF BLOOMINGTON AND MCLEAN
COUNTY

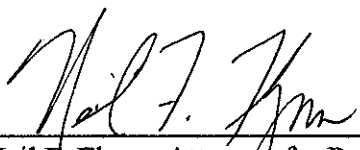
Respondents,

Petition to permit the removal of certain existing warning
devices and circuitry; and for the installation of "exempt"
and other signage at certain at grade crossings in Piatt
County, DeWitt County and McLean County, Illinois

NOTICE OF FILING

NOW COMES Petitioner, NORFOLK SOUTHERN RAILWAY COMPANY, by and
through its attorney, Neil F. Flynn, pursuant to and in accordance with 83 Ill.Adm.Code 200.660,
and hereby files the direct testimony of William P. Hernan, General Supervisor - Communications
and Signals of Norfolk Southern Corporation.

Respectfully Submitted,



Neil F. Flynn, Attorney for Petitioner
Norfolk Southern Railway Company

Neil F. Flynn, Attorney at Law
1035 South Second Street
P.O. Box 37
Springfield, IL 62705
(217) 544-0261

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing instruments were served upon the addresses listed below by mailing true and correct copies via First Class U.S. Mail, postage thereon fully prepaid and depositing the same in the United States Mail, Springfield, Illinois, this 18th day of March, 2004.

Dave Lazarides, Director of Processing
Illinois Commerce Commission
527 East Capitol
Springfield, IL 62701

Sandra Shaw, Clerk
City of Farmer City
105 S. Main
Farmer City, IL 61842-0049

James Easterly, Director
Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Dean Buhrke
Empire Township Highway Commissioner
610 West Center
LeRoy, IL 61752

James D. Lanier
Blue Ridge Township
Highway Commissioner
P.O. Box 586
Mansfield, IL 61854

Sue Marcum, Clerk
City of LeRoy
P.O. Box 151
LeRoy, IL 61752-0151

Ron Bartlett, Supervisor
Blue Ridge Township
P.O. Box 586
Mansfield, IL 61854

Bob Rice, Mayor
City of LeRoy
P.O. Box 151
LeRoy, IL 61752-0151

Mary K. Sjoken, Clerk
Blue Ridge Township
P.O. 328
Mansfield, IL 61854

Rodney Lush
Downs Township Highway Commissioner
208 N. Cleveland
Downs, IL 61736

Mr. John Gillis
Santa Anna Road District Highway
Commissioner
39 Brookview Drive
Farmer City, IL 61842

Jeffrey Schwartz
Vice President
Village of Downs
P.O. Box 18
Downs, IL 61736-0018

Delwin Kirby, Mayor
City of Farmer City
105 S. Main
Farmer City, IL 61842-0049

Peggy Ann Milton
County Clerk - McLean County
Room 704 Law & Justice Center
P.O. Box 2400
Bloomington, IL 61702-2400

John Mitchell
County Engineer - McLean County
R.R. 1
Bloomington, IL 61704

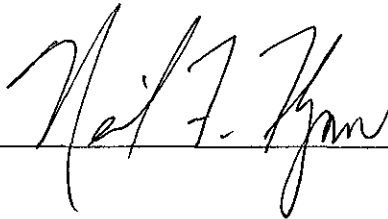
Phillip Reynolds
Old Town Township Highway Commissioner
8270 N. 2200 E. Road
Downs, IL 61736

Charles Fitzgerald
Bloomington Township Highway
Commissioner
8764 N. 1375 E. Road
Bloomington, IL 61704

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Village of Mansfield
Village Hall
Mansfield, IL 62854-9999

Tracey Covert, Clerk
City of Bloomington
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